

PLEASE TAKE NOTICE, that upon the accompanying Memorandum of Law dated November 20, 2018, the declaration of Joshua K. Bromberg dated November 20, 2018 and exhibits attached thereto, and all prior proceedings had herein, Petitioner Benthos Master Fund, Ltd. ("Petitioner") will move this Court before the Hon. Deborah A. Batts at the Courthouse located at 500 Pearl Street, New York, New York 10007, Courtroom 24B, for the entry of an order pursuant to 18 U.S.C. § 401, Local Civil Rule 83.6 and this Court's inherent authority:

- (a) Holding Respondent Aaron Etra in civil contempt for willfully failing to comply with the orders of the Court dated October 15, 2018 (Castel, J.) (Dkt. 4) and October 19, 2018 (Batts, J.) (Dkt. 8); and
- (b) Assessing sanctions against Etra for making willful misrepresentations to the Court on November 15, 2018; and
- (c) Permitting Etra to purge his contempt only by:
 - (i) producing "copies of all communications between and among any of [himself], Valkyrie Group LLC, Valhalla Venture Group LLC, Brandon Austin, Hugh Austin, Tracy Evans, 'Dmitri,' and Ming Hoang Le, or any of their affiliates, representatives and/or agents, concerning the Bitcoin Agreement, the Escrow Agreement, and/or the funds deposited by Benthos into [his] IOLA account" (Dkt. 4 at ¶ 4(a)); and
 - (ii) certifying under penalty of perjury that all such communications have been produced; and
 - (iii) submitting to a deposition under the auspices of the Court; and

(d) Awarding such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that pursuant to the Court's order of November 15, 2018, any opposing affidavits and answering memoranda shall be served upon Petitioner's counsel within five (5) days after service of these moving papers.

Dated: November 20, 2018

KLEINBERG, KAPLAN, WOLFF & COHEN, P.C.

By: __

Steven R. Popofsky Joshua K. Bromberg

551 Fifth Avenue, 18th Floor New York, New York 10176 Telephone: (212) 986-6000 Facsimile: (212) 986-8866 Email: spapefeky@kkwe.com

Email: spopofsky@kkwc.com Email: jbromberg@kkwc.com

Attorneys for Petitioner **BENTHOS MASTER FUND LTD.**

TO: Aaron Etra, Esq.

445 Park Avenue, 9th Floor New York, NY 10022 Email: aaron@etra.com

Tracy Evans
2 Clara Court
Cortlandt Manor, NY 10567
Email: tracy7111@gmail.com